

APR 26 2013

JULIA F. [Signature] CLERK
BY: [Signature] DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CABELL RIFFE
CLATTERBAUGH,

Petitioner,

v.

HAROLD W. CLARKE,

Respondent.

) Civil Action No. 7:12cv00471

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§ 2254 FINAL ORDER

By: Samuel G. Wilson
United States District Judge

In accordance with the memorandum opinion entered on this date, it is **ORDERED** and **ADJUDGED** that respondent's motion to dismiss is **GRANTED**, Clatterbaugh's 28 U.S.C. § 2254 petition is **DISMISSED**, and this action is **STRICKEN** from the docket of the court. Further, finding that the petitioner has failed to make the requisite substantial showing of the denial of a constitutional right, as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to petitioner and counsel for respondent.

ENTER: April 26, 2013.

s/ SAMUEL G. WILSON
UNITED STATES DISTRICT JUDGE